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13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16		)	<b>Case No. 3:11-cv-01665-JSW</b>
17	E. I. DU PONT DE NEMOURS AND	)	
18	COMPANY,	)	<b><u>JOINT STATUS REPORT</u></b>
19		)	
20	Plaintiff,	)	Judge: Hon. Jeffrey S. White
21		)	
22	v.	)	
23		)	
24	USA PERFORMANCE TECHNOLOGY,	)	
	INC., PERFORMANCE GROUP (USA),	)	
	INC., WALTER LIEW, and JOHN LIU,	)	
		)	
	Defendants.	)	

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Pursuant to the Court's July 22, 2011, Minute Order, Plaintiff E.I. Du Pont De Nemours and Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc. (collectively "USAPT") submit this Joint Status Report. The parties request that the stay remain in place for an additional 60 days.

On August 23, 2011, the United States filed *United States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS.

**DuPont's Position:** The indictment alleges that defendant Walter Liew and his wife, Christina Liew, tampered with a witness in this action by, among other things, telling the witness not to reveal his knowledge of certain employees of defendant USAPTI because it would not be good for the witness or his family, and instructing the witness to lie about his knowledge of certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct towards agents of the Federal Bureau of Investigation and made false statements during the execution of a search warrant by intentionally lying to the agents concerning the whereabouts of a safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18 U.S.C. §§ 1001 and 1512. (Docket # 41 at 2.)

**USAPT's Position:** Defendants believe that the August 23 Complaint speaks for itself, and no further explanation or commentary is appropriate or needed.

On September 7, 2011, this Court issued an Order relating the criminal proceeding with this action, pursuant to its determination that this action and the criminal proceeding are related within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)<sup>1</sup>

Walter Liew remains in custody. The United States has informed the Court that it plans to file a superseding indictment in early November relating to the misappropriation of DuPont's trade secrets. The undersigned counsel agree that the stay remain in place for an additional 60 days, at which time the parties can update the Court.

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<sup>1</sup> On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

1 Dated: September 23, 2011

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16 Dated: September 23, 2011

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